

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BANK OF AMERICA, N.A.,
 Plaintiff(s),

vs.

GIAVANNA HOMEOWNERS
 ASSOCIATION, et al.,
 Defendant(s).

Case No. 2:16-cv-00329-JCM-NJK
 ORDER

Pending before the Court is an order for the parties to show cause why this case should not be dismissed for lack of subject matter jurisdiction. Docket No. 16. In particular, that order was directed at (1) the contention by Defendant Absolute Collection Services, LLC (“ABS”) that this case does not have the requisite \$75,000 in controversy and (2) the inadequate record regarding the citizenship of ABS. *See id.* at 2. ABS did not directly respond to the order to show cause, instead filing an errata to its certificate of interested parties identifying its sole member and that person’s residency. *See* Docket No. 17. That filing does not establish the Court’s jurisdiction. First, ABS has not provided any input regarding its contention that a sufficient amount in controversy is lacking. Second, the pertinent test for diversity purposes is citizenship, and not residency. *See, e.g., Kanter v. Warner-Lambert Co.*, 265 F.3d 853, 857 (9th Cir. 2001).

The Court hereby ORDERS ABS to file, no later than May 17, 2016, a response to the order to show cause that (1) either articulates the reason ABS believes less than \$75,000 is at issue or withdraws

1 that contention and (2) attaches a declaration based on personal knowledge identifying the citizenship
2 of Kelly Mitchell.

3 IT IS SO ORDERED.

4 DATED: May 11, 2016

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NANCY J. KOPPE
United States Magistrate Judge